

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENISE ANNE CROOKER,	:	CIVIL NO: 3:20-cv-01695
	:	
Plaintiff,	:	(Judge Mannion)
	:	
v.	:	(Magistrate Judge Schwab)
	:	
GEORGE J. TESSITORE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

January 13, 2022

Pending in this matter is the defendants’ summary judgment motion (*doc.* 99). In their reply brief, *doc.* 108, the defendants point out that the plaintiff failed to respond to their statement of material facts in accordance with Local Rule 56.1, and they request that the court deem their statement of material facts as unopposed. The plaintiff then filed a letter, *doc.* 110, regarding the defendants’ statement of material facts (*doc.* 101). In light of this letter, **IT IS ORDERED** that the plaintiff shall respond to the defendants’ statement of material facts in accordance with Local Rule 56.1 on or before **January 27, 2022**.

The court has discretion as to how to respond to a failure to comply with Local Rule 56.1. *Weitzner v. Sanofi Pasteur Inc.*, 909 F.3d 604, 613–14 (3d Cir. 2018) (concluding that in response to a party’s failure to comply with M.D. Pa. L.R. 56.1 “the District Court’s decision to employ any given sanction—out of the

many possible sanctions available to it—is fully within the discretion of that Court”); *cf.* Fed. R. Civ. P. 56(e)(1) (“[i]f a party fails to properly support an assertion of fact or fails to properly address another party’s assertion of fact as required by Rule 56(c), the court may . . . give an opportunity to properly support or address the fact[.]”). The court may give a party another opportunity to comply with L.R. 56.1. *See e.g. Hickey v. Merritt-Scully*, No. 4:18-CV-01793, 2021 WL 949448, at \*2 (M.D. Pa. Mar. 12, 2021).

Accordingly, we will exercise our discretion and give the plaintiff another opportunity to comply with L.R. 56.1. Moreover, we will give the defendants leave to file a supplemental reply brief after the plaintiff responds to their statement of material facts. Defendants may file a supplemental reply brief on or before **February 10, 2022**.

**S/Susan E. Schwab**  
Susan E. Schwab  
United States Magistrate Judge